

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

LANDS – Hyderabad District – AP (SA) Rules – Plot No.Nil admeasuring 0.419 Cents situated at Kingsway, Secunderabad – Revision Petition filed by the Honorary Secretary, Mahabub College, Secunderabad before the Government requesting to set aside the orders of the CCLA in the proceedings No.S4/541/2005, dated 28.02.2006 of the CCLA and to grant permission for the conversion of leasehold land into free hold in favour of Mahabub College, Secunderabad – Case posted / called for hearing finally on 19-01-2011 finally at 4-30 PM – Necessary instructions- Issued.

REVENUE (ASSIGNMENT –III) DEPARTMENT

G.O.Ms.No. 252

Date: 18-04-2012

READ: the following:-

- : (1) Memorandum of Appeal dated 07-03-2008 filed by the Honorary Secretary Mahabub College RP Road, Secunderabad before the Government received on 19-03-2008. and other representations dated 24-04-2009
- (2) From the President, Swami Vivekananda Center for Human Excellence. Hyderabad Dated 11-05-2010.
- (3) Government Memo. No. 15115/Assn.III(2)/2002, Dated 13-05-2008, and 26-05-2010.
- (4), Note from the Chief Secretary to Government, Dated 2-06-2010.
- (5) Government Memo. No.15115/ Assn.III/2/2008, Dated 09-06-2010.
- (6) Note from the Chief Secretary to Govt., dated 17-08-2010.
- (7) From the CCLA, Hyderabad Ref.No.S3/ 567/ 2010, Dated 15-09-2010 addressed to the District Collector- Hyderabad.
- (8) Govt.Memo.No.15115/ Assn.III/2/2008, Dated 28-04-2011.
- (9) From he Spl.S & CCLA, Hyderabad Lr.No.S3/ 567/ 2010, Dated 19-05-2011.
- (10) From Ramakrishna Muth, Dated 20-04-2011 addressed to the C.S.
- (11) Government Memo and Letter No. 15115/Assn.III(2)/2008, dated: 02-09-2011.
- (12) Letter No.HSO/MoHS/ 371 dated 15-09-2011 received from the Hon' Secretary, Mahabub College, Secunderabad
- (13) Government Memo. and Letter No. 15115/Assn.III(2)/2008, dated 20-09-2011.
- (14) Letter No.HSO/MoHS/ 390, Dated 25-10-2011, 26-11-2011 & 27-12-2011 from the Honorary Secretary & Correspondent, Mahabub College, Secunderabad.
- (15) Government Letter No. 15115/ Assn.III/2/2008, dated 04-01-2012 addressed to the Advocate for the petitioner and to the petitioner.
- (16) Government Memo.No.15115/ Assn.III/2/2008, Dated 04-01-2012 addressed to the CCLA, Hyderabad / Collector – Hyderabad dist.

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ORDER:-

In the reference first read above, the Secretary – Mahabub College, R.P Road, Secunderabad filed an Appeal before the Government on 19.3.2008 with a prayer to call for the records and set aside the order of the Chief Commissioner of Land Administration vide Proceedings No.S4/541/2005, dated 28.02.2006 and grant permission for the conversion of leasehold land into freehold in favour of Mahabub College, Secunderabad.

Government have examined the matter in detail, by obtaining the report from the Spl.CS & CCLA, Hyderabad.

Case called for hearing finally on 19-01-2012 at 4-30 PM on the request of the Honorary Secretary, Honorary President of the Mahabub College Society.

Honorary Secretary, Honorary President of the Mahabub College Society and the Advocate for the petitioner were present.

The Estate Officer, Office of Hyderabad Collectorate present.

Heard the arguments – After perusal of the records / report of the Spl.CS & CCLA, Hyderabad dated 19-05-2011, it has been observed that --

- (a) Originally, the land admeasuring 2028 Square Yards adjacent to Mahabub College was given on lease to Mahabub College on 31.8.1937 for a period of (30) years vide Lease Deed No.703, dated 31.8.1937 for erection of a compound wall and to use the plot enclosed thereby as a play-ground only. Subsequently, the lease was further renewed for another (30) years w.e.f.20.07.1966 vide L.D. No. 3763, dated 20.01.1977 and thus, the lease period subsisted upto 19.07.1996. Thereafter, an application for further renewal was not filed by the College Authorities.*
- (b) Honorary Secretary, Mahabub College and School through representation dated 16.01.1986 requested to permit them to Build commercial complex on the lease land and to let out to Andhra Bank to supplement the financial resources of the Institution for its development on the plea that they have sufficient open land to be used for play-ground and vide letter No. BBL1/1115/1986, dated 24.05.1986 it was recommended to Government but no orders have been issued at Government level.*
- (c) The Estate Officer, Secunderabad through his reference dated 04.01.1988 sent proposals to resume 1200 Square Yards of vacant land from Mahabub College for sale in public auction, since it is not required by them, as play ground for which it was leased out. It has also been reported that the Government in their Memo. No. P.251/CE.1-2/97-5, Education (C.E.1) Department, dated 02.12.1997 have intimated that it was decided to allot 15 Square yards of the lease land on lease for a period of (60) years in favour of Ramakrishna Math for establishment of Vivekananda Institute for Moral and Spiritual Education.*
- (d) It was reported by the Estate Officer that during the spot inspection done by the Special Deputy Collector & Surveyor, it was noticed that an area of 1909.05 Square yards is within the compound wall of Mahabub College and remaining land admeasuring 118.95 Square yards was taken over by the MCH Authorities for road-widening. As the authorities have not made any application for renewal of the lease in time viewed that they cannot claim the conversion of lease hold to free hold as a matter of right, requested to recommend to the Government for issuing orders to resume the land admeasuring 1909.5 Square yards for delivering the possession to Ramakrishna Math under the AP (TA) Grant of lease lands for non-agricultural purpose Rules, 1977 as the School Authorities themselves have come forward stating that the said land is not required for their play ground.*
- (e) Accordingly, the Special CS and CCLA vide Lr. No. BBL3/201/1998, dated 8.6.1998, recommended the proposals of the Collector – Hyderabad to resume the land admeasuring 1909.05 Square yards so as to deliver possession to Ramakrishna Math and the Government in turn, have issued order in Memo. No. 25416/Assn.III(2)/98-3, dated 29.8.1998 and permitted the Special Chief Secretary and Commissioner of Land Revenue to resume the land admeasuring 1500 Square yards from the Mahabub College authorities and lease it out to Ramakrishna Math, Hyderabad for (30) years for establishment of Vivekananda Institute of Moral and Spiritual Education under Rule 21 of SLA Rules 1976.*
- (f) The Special CS and CCLA has further stated that instructions were issued to Estate Officer, Secunderabad for resumption of the lease land admeasuring 1500 Square yards through a notice and the Estate Officer issued a Notice on 13.10.1998 to the Mahabub College authorities for resumption after expiry of (3) months time for an extent of 1500 Square yards. The College authorities have requested to extend the notice period for further (3) months from 14.01.1999 on the plea that necessary negotiations are being made with Ramakrishna Math and permission was granted for another (3) months on 22.4.1999.*
- (g) The Estate Officer informed that the lease land measuring 1500 Square Yards pertaining to Mahabub College has been taken over possession on 14.6.1999 duly conducting panchanama. In spite of the orders given in the Government Memo. No. 25416/Assn.III(2)/98-3, dated 29.8.1998 permitting the CLR to resume the land*

admeasuring 1500 Square yards from the Mahabub College authorities and to lease it out to Ramakrishna Math, Hyderabad for (30) years, a factual report was sent to Government on 19.8.1999 requesting for orders whether the resumed land can be leased out to Ramakrishna Matt.

- (h) It has also been reported that since then, the correspondence went on with the Government for nearly (6) years for communicating the orders for leasing out the land for an extent of 1500 Square yards to Ramakrishna mutt. Thereafter, the Estate Officer vide their Letter No. 4/395 dated 11.3.2005 reported that during the spot inspection by the District Collector, it was decided to construct an office complex in the said lease land for locating Mandal Office, Secunderabad and Estate Office Secunderabad etc. and the proposals which were moved to the Government for leasing out in favour of Ramakrishna Matt be withdrawn and requested to send it to Government. Accordingly, vide CCLA reference dated 3.5.2005 the Government was requested to withdraw the lease proposals in favour of Ramakrishna mutt and requested to communicate the orders and the orders of Government still awaited in the matter.*
- (i) The Special CS and CCLA has also informed that the Hon' Secretary Mahabub College has filed a W.P No. 16549 of 2005 against Collector, Hyderabad, and other officials with a plea to direct the respondents to convert the lease land admeasuring 2028 Square Yards into free hold in favour of Hon' Secretary Mahabub College and the Hon'ble high Court in its Interim order in WP MP No. 21040 in WP No. 16549/2005 has directed the respondents i.e. Collector to pass appropriate orders on the application of petitioner dated 30.06.1997 within (12) weeks and also directed not to dispossess the petitioner from the scheduled land and directed that the petitioner should not change the nature of the land or create any third party interest. Pursuant to the Hon'ble High Court orders in WPMP No. 21040 in WP No. 16549/2005, an order was passed on 28.2.2006 with the observation that the college authorities did not want to use this land for the purpose for which it was given and in pursuance of the Government Memo. No. 25416/Assn.III(2)/98-3, dated 29.8.1998, the Estate Officer has already taken over possession on 14.6.1999. Therefore, this land no longer vests with the College Authorities and therefore the conversion of this land to free hold does not arise at this point of time. The Collector Hyderabad also reported that this land is required by Government for construction of Government Office Complex. In view of these circumstances, the request of the College for conversion into free hold at this stage does not arise and the request was rejected.*
- (j) The Special CS and CCLA has also stated that the District Collector Hyderabad and the Estate Officer Secunderabad discussed with the G.P for Revenue (TA) HC of AP on 29.9.2010 and GP informed that the Registrar of Hon'ble High Court will be requested for early disposal of the WP which is pending before the Hon'ble High Court to safeguard the interest of the Government. It has also been submitted that the WP No. 16549 of 2005 has been dismissed by the Hon'ble High Court vide order dated 31.3.2011.*
- (k) In this regard it is stated that the request of Mahabub College for conversion of lease hold into free hold in respect of plot No. nil admeasuring 0.419 Square Yards situated at Kingsway Secunderabad covered under L.D. No. 703 dated 31.8.1937 in favour of Hon' Secretary Mahabub College has been rejected by the CCLA vide Proceedings No. S4/541/2005, dated 28.2.2006 for the reasons mentioned therein, especially the land is required by Government for construction of Government office Complex.*
- (l) Aggrieved by the said proceedings dated 28.2.2006 the Mahabub College Authorities filed a Revision Petition before the Government on 7.3.2008.*
- (m) The Hon'ble High Court in order dated 03.03.2011 dismissed the WP No. 16549 of 2005 filed by Mahabub College and held as follows.*

“ This Writ Petition is filed to declare the action of the respondents in resorting to dispossess the petitioner college from the land in question without disposing of its application for conversion of the land from leasehold to freehold in view of G.O. Ms. No. 816, Revenue (Assn.III) Department, dated 9.8.1994.

Learned Counsel appearing for the petitioner has fairly submitted that pursuant to the interim direction passed by this Court dated 18.8.2005 in the writ petition directing the first respondent to consider and dispose of the application submitted by the petitioner dated 30.06.1997 within a period of twelve weeks from the date of receipt of the said order after giving an opportunity to the petitioner, the said application had already been considered and the conversion of the land from leasehold to free hold had been rejected, vide proceedings No. CCLA's Proceedings No. S4/541/2005 dated 28.2.2006 passed by the Chief Commissioner, Land Administration, Andhra Pradesh, Hyderabad. In view of the said rejection of the request of the petitioner, learned counsel for the petitioner submits that nothing survives in the writ petition.

Consequently, the writ petition is dismissed with a liberty to the petitioner to question the said order, if the petitioner is so entitled at this point of time. No order as to costs."

After hearing the arguments of the Counsel for the petitioner, it is observed that Mahabub School authorities did not care to file an application for extension of lease in time. In fact, the land has already been resumed from the Mahabub College in 1999.

It is also observed that in CCLA's Proceedings No.S4/541/ 2005, Dated 28-02-2006, the request of the Mahabub College has been rejected on the following grounds based on evidence / documents:-

- (i) the land was given to the College for play ground and they did not want to use it for the same purpose as they had requested for permission to construct Andhra Bank / commercial building.*
- (ii) The land was already resumed by the Estate Officer, Office of the District Collector, Hyderabad.*
- (iii) The land is required for Government office complex..*

*In view of the above and the evidence available, the Revision Petition filed by the Honorary Secretary, Mahabub College, RP Road, Secunderabad is hereby rejected, and the Collector – Hyderabad district is requested to examine the proposals in detail, and take a suitable decision for allotment of land either to (a) Rama Krishna Muth (Swamy Vivekananda Center for Human excellence, Hyderabad) for establishing the Vivekananda Institute of Moral and Spiritual Education **OR** (b) for construction of Government office Complex as reported by the CCLA, Hyderabad duly justifying the reasons in allotment of land to the concerned, and submit the necessary proposals through the Spl.CS & CCLA, Hyderabad.*

The District Collector – Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

*ANIL CHNDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT*

*To
The Collector – Hyderabad District.
The Spl.CS & CCLA, Hyderabad
The Honorary Secretary, Mahabub College Society
RP Road, Secunderabad
The PS to Prl.Secy., Revenue
The S.F.*

//FORWARDED :: BY ORDER//

SECTION OFFICER